

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN NURSING**
239 Causeway Street, Room 417A
Boston, MA 02114

Minutes of the Regularly Scheduled Board Meeting
Wednesday, February 8, 2017

Board Members Present

K. Gehly, CNP, Chair
B. Levin RN, Vice Chair
S. Abbott, Public Member (left at 1:07 pm)
J. Killion, LPN
C. LaBelle, RN
A. Peckham, RN
J. Fantes, MD (out from 12:00 to 12:40 pm)
L. Keough, CNP
D. Zucker, RN
D. Drew, Public Member
P. Noonan, RN

Board Members Not Present

G. Dufault, LPN
C. Simonian, PharmD, RPh

Staff Present

L. Silva, RN, DNP, Executive Director
C. Silveira, MS, RN, Assistant Director
K. Ashe, RN, Nursing Education Coordinator
O. Atueyi, JD, Board Counsel
H. Cambra, RN, JD, Complaint Resolution Coordinator
D. M. DeVaux, RN, SARP Coordinator
A. Fein, RN, JD, Complaint Resolution Coordinator
K. Keenan, Licensing Coordinator
C. Pascarella, JD, Probation Staff
L. Talarico, CNP, Nursing Practice Coordinator
T. Westgate, Program Coordinator
B. Oldmixon, Board Counsel
K. Fishman, Probation Monitor

Staff Not Present

C. MacDonald, RN, DNP, Deputy
Executive Director

TOPIC:

Call to Order & Determination of Quorum

DISCUSSION:

A quorum of the Board was present.

ACTION:

At 9:13 a.m., K. Gehly, Chairperson, called the February 8, 2017 Regularly Scheduled Board Meeting to order.

TOPIC:

Approval of Agenda

DISCUSSION:

Board members and staff introduced themselves.

ACTION:

Motion by B. Levin, seconded by J. Killion, and unanimously passed to approve the agenda as presented.

TOPIC:

Approval of Board Minutes for the January 19, 2017 Meeting of the Regularly Scheduled Board Meeting

DISCUSSION:

H. Cambra reminded the Board that the minutes were corrected.

ACTION:

Motion by J. Killion, seconded by B. Levin, and unanimously passed to accept the Minutes of the January 19, 2017, Regularly Scheduled Board Meeting.

TOPIC:

Reports, Announcements and Administrative Matters

A. Executive Director's Report

B. Announcements

DISCUSSION:

A. Executive Director's Report: L. Silva reminded the Board to schedule times to attend the Complaint Committee meeting.

ACTION:

A. So noted.

TOPIC: SARP

SARP Activity Report

DISCUSSION:

D. DeVaux was available for questions.

ACTION:

So noted.

TOPIC: Probation

Probation Staff Action Report

DISCUSSION:

K. Fishman briefed her report to the Board.

ACTION:

So noted.

TOPIC: Probation

Request for extension of Probation Agreement, in the matter of M. Kashmanian, RN232150, NUR-2012-0184

DISCUSSION:

K. Fishman briefed the report to the Board. The licensee had been unable to find employment and was requesting an extension. K. Fishman deferred to the Board for a decision due to not being able to get into contact with the licensee and the length of the probation. B. Levin asked if the Board could require the licensee to do education instead of probation. K. Gehly stated that there would be issues setting a precedent by doing that. L. Silva asked K. Fishman to brief the Board on why she went into probation. H. Cambra asked K. Fishman what were the circumstances of the licensee's termination. O. Atueyi asked K. Fishman to read the licensee's work report to the Board. O. Atueyi briefed the Board the options that were available. D. Drew asked about the extension of the probation. K. Fishman briefed the Board on how an extension would work. O. Atueyi asked if K. Fishman had been able to get into contact with the licensee and K. Fishman briefed the Board on the status.

ACTION:

Motion by B. Levin, seconded by J. Killion, and unanimously passed to grant an extension for six months with the delegated authority to grant an additional six months with the requirement that the licensee submit monthly reports or to issue a notice of further discipline.

TOPIC: Probation

Request for termination of Probation Agreement, in the matter of J. Low, RN244621, RN-05-173

DISCUSSION:

C. Pascarella briefed the case to the Board and recommended termination of the probation.

ACTION:

Motion by A. Peckham, seconded by C. LaBelle, and unanimously passed to terminate the probation.

TOPIC: Probation

Request for Notice of Violation and Further Discipline, in the matter of T. Dolan, RN2270906, NUR-2013-0020

DISCUSSION:

C. Pascarella briefed the case to the Board. L. Silva asked when staff was last in contact and C. Pascarella stated it was September 2016. J. Fantes asked what would happen with the CT Board.

ACTION:

Motion by B. Levin, seconded by D. Zucker, and unanimously passed to grant a six-month extension with the licensee required to submit monthly reports or to issue a notice of further discipline.

TOPIC: Practice

Practice Coordinator Staff Report

DISCUSSION:

L. Talarico was available for questions.

ACTION:

So noted.

TOPIC: Education

- A. Nursing Education Staff Report
- B. 244 CMR 6.04(1)(c)&(1)(f) Administrative Changes for Anna Maria College, Baccalaureate Degree RN Program (Program Administrator)
- C. 244 CMR 6.08(1)(h) NCLEX pass rate less than 80% for first time writers On Site Survey Roxbury Community College, Associate Degree, RN and Practical Nursing Programs
- D. 244 CMR 6.08(1)(b) Mildred Elley School Practical Nursing Program
- E. 244 CMR 6.08(1)(e) Diman Regional School of Practical Nursing Program
- F. 244 CMR 6.06(1) Site Survey McCann Technical School Practical Nursing Program
- G. 244 CMR 6.08(1)(h) NCLEX pass rate less than 80% for first time writers UMass Lowell Baccalaureate Degree RN Program.

DISCUSSION:

- A. K. Ashe briefed the report to the Board.
- B. K. Ashe briefed the administrative changes to the Board and recommend that the Board accept the changes.
- C. RECUSAL: A. Macdonald recused herself from this matter and left the room during the deliberation and vote. K. Ashe briefed the report to the Board for the associate degree RN program. D. Drew asked about the staff turnover at the school. B. Levin asked about the dates and if the school would have enough time to comply. K. Gehly stated that the Board could extend the first requirements a month due to the delay. K. Ashe then briefed the report for the PN program and recommended the Board accept the report and grant approval with warning status. B. Levin made a motion to accept the recommendation with the change of the deadline from March to April.
- D. K. Ashe briefed the report to the Board. The finding showed that the school was no longer accredited and was in a timely process to obtain their accreditation again. That warranted a full approval status at this time. D. Drew asked for clarification on when the accreditation Board meets and K. Ashe explained their schedule.
- E. K. Ashe briefed the report to the Board. K. Ashe recommended the Board accept the report and require the school to find a new administrator. P. Noonan asked what would happen if the school is not able to complete the requirement and K. Ashe stated it would come back to the Board. D. Drew asked for more information about the timeline of events. K. Gehly asked for the 2016 NCLEX pass rates which K. Ashe provided.
- F. K. Ashe briefed the report to the Board. K. Ashe recommended the Board accept the report.
- G. RECUSAL: K. Gehly and L. Keough recused themselves from this matter and left the room during the deliberation and vote. A. MacDonald briefed the report to the Board. A. MacDonald recommended the Board accept the report and find the school was in compliance with Board regulations. L. Silva asked for clarification about the compliance. B. Levin asked about the report the school was required to submit

ACTION:

- A. So noted.
- B. Motion by D. Drew, seconded by B. Levin, and unanimously passed to approve the administrative changes.
- C. Motion by B. Levin, seconded by D. Zucker, and unanimously passed to accept the staff compliance report and grant approval with warning status to Roxbury Community College for the RN program.
- C. Motion by B. Levin, seconded by A. Peckham, and unanimously passed to accept the staff compliance report and grant approval with warning status to Roxbury Community College for the PN program.

- D. Motion by D. Drew, seconded by B. Levin, and unanimously passed to accept the recommended actions.
- E. Motion by B. Levin, seconded by D. Zucker, and unanimously passed to accept the report and recommendations.
- F. Motion by J. Killion, seconded by B. Levin, and unanimously passed to accept the recommendation.
- G. Motion by D. Zucker, seconded by B. Levin, and unanimously passed to accept the report and recommendations.

TOPIC:

Strategic Development, Planning and Evaluation

A. Systematic Policy Evaluation

1. SARP Policy 99-03

B. New Policies

1. Collection of Social Security Numbers and Department of Revenue Suspensions

C. Presentation/Report

1. Conflict of Interest
2. Board Member Indemnification
3. Nurse Licensure Compact

D. Topics for Next Agenda

DISCUSSION:

- A. D. DeVaux briefed the policy and proposed revision to the Board.
- B. V. Berg briefed the policy to the Board.
- C. V. Berg briefed the presentations on Conflicts of Interest and Indemnification to the Board. K. Gehly asked about the filing of the forms, B. Levin asked about umbrella organizations, and D. Zucker asked about umbrella organizations related to schools. V. Berg answer all questions related to the briefing.
- D. L. Silva briefed the NLC presentation to the Board and the history of the process in Massachusetts. D. Zucker asked why the compact has not made it through the legislature as of yet. L. Silva stated there were concerns of nurses being able to move and quality of care. M. Campbell asked about the fees for licensure within the compact.

ACTION:

- A. Motion by D. Drew, seconded by J. Killion, and unanimously passed to approve the revision.
- B. Motion by J. Killion, seconded by L. Keough, and unanimously passed to approve the policy.
- C. So noted.
- D. So noted.

TOPIC:

G.L. c.30A, §21 Executive Session

DISCUSSION:

None

ACTION:

Motion by J. Killion, seconded by S. Abbott, and unanimously passed by roll call vote to go into Executive Session at 11:27 a.m. as per Purpose One of G.L. c.30A, §21 (a)(1).

G.L. c. 30A, § 21 Executive Session 11:27 a.m. to 1:03 p.m.

TOPIC:

G.L. c. 112, s. 65C Session

DISCUSSION:

None

ACTION:

Motion by B. Levin, seconded by J. Killion, and unanimously passed to go into G.L. c. 112, s. 65C Session at 1:04 p.m.

Motion by J. Killion, seconded by B. Levin, and unanimously passed to go into G.L. c. 112, s. 65C Session at 1:21 p.m.

G.L. c. 112, s. 65C Session 1:04 p.m. to 1:07 p.m.

G.L. c. 112, s. 65C Session 1:21 p.m. to 1:36 p.m.

TOPIC:

Adjudicatory Session

DISCUSSION:

None

ACTION:

Motion by B. Levin, seconded by D. Zucker, and unanimously passed to go into Adjudicatory Session at 1:08 p.m. to discuss decisions in pending adjudicatory matters.

Adjudicatory Session 1:08 p.m. to 1:21 p.m.

TOPIC:

Adjournment

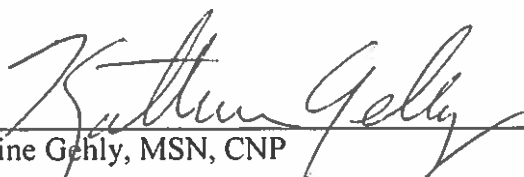
DISCUSSION:

None

ACTION:

Motion by B. Levin, seconded by D. Drew, and unanimously passed to adjourn the meeting at 1:37 p.m.

Minutes of the Board's February 8, 2017, Regularly Scheduled Meeting were approved by the Board on March 08, 2017.



Katherine Gehly, MSN, CNP
Chairperson
Board of Registration in Nursing

Agenda with exhibits list attached.

COMMONWEALTH OF MASSACHUSETTS
Board of Registration in Nursing

Notice of the Regularly Scheduled Meeting

Regular Session

239 Causeway Street
Room 417
Boston, Massachusetts 02114
February 8, 2017

PRELIMINARY AGENDA AS OF 1/17/17 at 12:20 pm

Estimated Time	Item #	A. Item	Exhibit	Presented by
9:00 a.m.	I.	B. CALL TO ORDER & DETERMINATION OF QUORUM	None	
	II.	APPROVAL OF AGENDA	Agenda	
	III.	APPROVAL OF BOARD MINUTES A. Draft Minutes for the January 19, 2017 Meeting of the Board of Registration in Nursing, Regular Session	Minutes	
	IV.	REPORTS, ANNOUNCEMENTS AND ADMINISTRATIVE MATTERS A. Executive Director's Report B. Announcements	Oral/Memo	LS
	V.	SARP A. SARP Activity Report	Memo	DMD
	VI.	PROBATION A. Probation Staff Action Report B. Request for extension of Probation Agreement, in the matter of M. Kashmanian, RN232150, NUR-2012-0184 C. Request for termination of Probation Agreement, in the matter of J. Low, RN244621, RN-05-173 D. Request for Notice of Violation and Further Discipline, in the matter of T. Dolan, RN2270906, NUR-2013-0020	Memo Memo Compliance Summary Memo	KF KF/CP KF/CP KF/CP
	VII.	PRACTICE A. Practice Coordinator Staff Report	Memo	LT

	VIII.	EDUCATION <ul style="list-style-type: none"> A. Nursing Education Staff Report B. 244 CMR 6.04(1)(c)&(1)(f) Administrative Changes for Anna Maria College, Baccalaureate Degree RN Program (Program Administrator) C. 244 CMR 6.08(1)(h) NCLEX pass rate less than 80% for first time writers On Site Survey Roxbury Community College, Associate Degree, RN and Practical Nursing Programs D. 244 CMR 6.08(1)(b) Mildred Elley School Practical Nursing Program E. 244 CMR 6.08(1)(e) Diman Regional School of Practical Nursing Program F. 244 CMR 6.06(1) Site Survey McCann Technical School Practical Nursing Program G. 244 CMR 6.08(1)(h) NCLEX pass rate less than 80% for first time writers UMass Lowell Baccalaureate Degree RN Program. 	<p>Report Report</p> <p>Compliance Reports</p> <p>Memo</p> <p>Memo</p> <p>Compliance Report</p> <p>Compliance Report</p>	<p>KA KA</p> <p>KA</p> <p>KA</p> <p>KA</p> <p>KA</p> <p>AM</p>
	IX.	REQUESTS FOR LICENSE REINSTATEMENT None		
	X.	STRATEGIC DEVELOPMENT, PLANNING AND EVALUATION <ul style="list-style-type: none"> A. Systematic Policy Evaluation <ul style="list-style-type: none"> 1. SARP Policy 99-03 B. New Policies <ul style="list-style-type: none"> 1. Collection of Social Security Numbers and Department of Revenue Suspensions C. Presentation/Report <ul style="list-style-type: none"> 1. Conflict of Interest 2. Board Member Indemnification 3. Nurse Licensure Compact D. Topics for Next Agenda 	<p>Memo/Policy</p> <p>Memo/Prop Policy</p> <p>PowerPoint PowerPoint Presentation</p>	<p>DMD</p> <p>VB</p> <p>VB VB LS</p>
<>		LUNCH		

	XI.	EXECUTIVE SESSION The Board will meet in Executive Session as authorized pursuant to M.G.L. c.30A, § 21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. <ol style="list-style-type: none"> Specifically, the Board will discuss and evaluate the Good Moral Character as required for registration for pending applicants. Specifically, the Board will discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence, of licensees relevant to their petitions for license status change. Approval of prior executive session minutes in accordance with M.G.L. c. 30A, § 22(f) for sessions held during the January 19, 2017 meeting. 	CLOSED SESSION	
	XII.	M.G.L. c. 112, § 65C SESSION	CLOSED SESSION	
	XIII.	M.G.L. c. 30A, § 18 ADJUDICATORY SESSION	CLOSED SESSION	
2:30 p.m.	XIV.	ADJOURNMENT		